

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

LEWIS BARTON,

Plaintiff,

vs.

No.

FFE TRANSPORTATION SERVICES, INC. and
TRACY JAMES HUBER,

Defendants.

COMPLAINT FOR DAMAGES
ARISING FROM VEHICLE COLLISION

Plaintiff alleges as follows:

Jurisdiction and Parties

1. This Court has jurisdiction over this case pursuant to 28 U.S.C. § 1332.
2. Plaintiff Lewis Barton resides in San Juan County, New Mexico.
3. Defendant FFE Transportation Services, Inc. is a corporation chartered and having its principal place of business in Texas.
4. Defendant FFE Transportation Services, Inc. is engaged in the business of providing temperature controlled transportation of good.
5. Defendant Tracy Huber is, on information and belief, a truck driver employed by Defendant FFE Transportation Services, Inc.

Facts Giving Rise to the Claim

6. On December 14, 2013 at approximately 5:00 p.m., Defendant Huber was driving a tractor-trailer truck operated by Defendant FFE Transportation Services, Inc.

under DOT #109745. He was travelling northbound on U.S. Highway 491 through Shiprock, New Mexico.

7. Defendant Huber attempted to make a left turn in the intersection of Highway 491 and U.S. Highway 64.

8. Plaintiff Lewis Barton was driving westbound on U.S. Highway 64 in Shiprock, New Mexico, going home from work.

9. As Mr. Barton proceeded through the intersection, the vehicle he was driving was struck by the truck driven by Defendant Huber.

10. Mr. Barton was proceeding through the intersection on a green light, and had the right-of-way

11. Defendant Huber failed to see the vehicle driven by Mr. Barton.

12. Defendants' truck struck the Barton vehicle on the driver's side, causing injuries to Mr. Barton and less serious injuries to his wife and his mother, who were passengers.

13. As a result of the collision, Mr. Barton had injuries to his left knee and both of his shoulders.

14. As a result of these injuries, Mr. Barton required emergency medical treatment, follow-up and additional treatment including physical therapy, and surgery on his right shoulder.

15. Because of these injuries, Mr. Barton has incurred substantial medical care expenses, and additional expenses may be incurred in the future. He also incurred loss of time from work and attendant lost wages.

16. Mr. Barton has permanent injuries in the form of chronic occasional discomfort and mild functional limitations in his right shoulder.

Claim for Relief

17. Defendant Huber negligently failed to exercise due care in the operation of the truck he was driving.

18. This negligence directly and proximately caused the injuries and damages incurred by Plaintiff Barton.

19. Defendant Huber's actions referred to above were within the course and scope of his employment by Defendant FFE Transportation Services, Inc., and Defendant FFE Transportation Services, Inc. is liable for his actions.

Wherefore, Plaintiff requests that this Court enter judgment in his favor and award damages in an amount proven at trial and such other and further relief as the Court may deem appropriate.

Respectfully submitted,

/s/

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